

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:00-HC-00567-BR

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
JOHN SELLERS,)	
)	
Respondent.)	

On 8 December 2000, respondent was committed to the custody and care of the Attorney General pursuant to 18 U.S.C. § 4246(d). This matter is now before the court on respondent's 14 August 2017 *pro se* motion for discharge hearing pursuant to 18 U.S.C. § 4247(h). (DE # 89.) On that same date, respondent also filed a "motion to proceed in forma pauperis on attached discharge hearin[g]." (DE # 90.) The plain language of § 4247(h) permits only the respondent's attorney or guardian to formally request a hearing to determine whether the respondent should be discharged under § 4247(h). The respondent himself may not make such a request *pro se*. See United States v. Hunter, 985 F.2d 1003, 1006 (9th Cir.), vacated as moot, 1 F.3d 843 (9th Cir. 1993); United States v. Logsdon, No. 06-10003-MLB, 2012 WL 359903, at *1 (D. Kan. Feb. 2, 2012); United States v. Nakamoto, 2 F. Supp. 2d 1289, 1290 (D. Haw. 1998). The court notes that respondent is represented by the Office of the Federal Public Defender with regard to matters connected to his commitment, and that a hearing to determine whether respondent continues to meet the commitment criteria under 18 U.S.C. § 4246 is currently scheduled for 28

November 2017. (See DE # 82.) Thus, for the foregoing reasons, respondent's *pro se* motions are DENIED.

This 22 August 2017.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge